

APPEAL NO. 041180  
FILED JUNE 24, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 29, 2004. The hearing officer decided that: (1) the respondent/cross-appellant (carrier) is relieved from liability under Section 409.002, because the appellant/cross-respondent (claimant) failed, without good cause, to timely notify his employer of an injury pursuant to Section 409.001; (2) the claimant, therefore, did not sustain a compensable injury on \_\_\_\_\_; and (3) the claimant did not have disability. The claimant appeals the hearing officer's decision on sufficiency of the evidence grounds. The carrier responds, asserting that the claimant's brief is not sufficient to constitute an appeal of the hearing officer's notice determination. In the alternative, the carrier urges affirmance of the hearing officer's notice determination and its effect upon the injury and disability issues. The carrier filed a conditional cross-appeal of the hearing officer's underlying injury and disability findings. The claimant responded, reasserting his appeal.

DECISION

Affirmed.

As indicated above, the carrier asserts that the claimant's brief is not sufficient to constitute an appeal of the hearing officer's notice determination. We have said that no particular form of appeal is required and an appeal, even though terse or inartfully worded, will be considered. Texas Workers' Compensation Commission Appeal No. 91131, decided February 12, 1992; Texas Workers' Compensation Commission Appeal No. 93040, decided March 1, 1993. Generally, an appeal which lacks specificity will be treated as a challenge to the sufficiency of the evidence. Texas Workers' Compensation Commission Appeal No. 92081, decided April 14, 1992. We consider the claimant's appeal minimally sufficient to challenge the hearing officer's notice, injury, and disability determinations on sufficiency of the evidence grounds.

The hearing officer did not err in making the complained-of determinations. The determinations involved questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence, including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the evidence presented, we cannot conclude that the hearing officer's determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). Nor can we conclude that the hearing officer abused her discretion in reaching a decision in this case. Morrow v. H.E.B., Inc., 714 S.W.2d 297 (Tex. 1986).

The decision and order of the hearing officer is affirmed.

The true corporate name of the insurance carrier is **COMMERCE & INDUSTRY INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS, SUITE 750, COMMODORE 1  
AUSTIN, TEXAS 78701.**

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Edward Vilano  
Appeals Judge

CONCUR:

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Chris Cowan  
Appeals Judge

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Margaret L. Turner  
Appeals Judge